

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PROFESSIONAL DOG BREEDERS	:	
ADVISORY COUNCIL, INC.;		
PENNSYLVANIA DOG BREEDERS		
ASSOCIATION; CARL GILGORE;	:	
NATHAN MYER; DANIEL ESH; and		
BETTY STOLTZFUS		
Plaintiffs,	:	
v.		CIVIL ACTION
	:	NO. 08-4233
DENNIS WOLFF, Secretary of		
Pennsylvania Dept. of Agriculture, in		
his official capacity; SUSAN WEST,	:	
Director, Bureau of Dog Law Enforce-		
ment, in her official capacity;		
KRISTIN DONMOYER, in her official	:	
and individual capacity; and,		
DREW DELENICK, in his official and		
individual capacity	:	
Defendants.		

ORDER

AND NOW, this 3rd day of November, 2010, upon consideration of Defendants' Motion to Dismiss the First, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Actions from the First Amended Complaint (Doc. No. 18) and Plaintiffs' Opposition thereto (Doc. No. 19), it is hereby ORDERED and DECREED that said Motion is GRANTED IN PART and DENIED IN PART, as follows:

- Defendants' Motion to Dismiss Plaintiffs' first cause of action is DENIED;¹ and,

¹ Plaintiffs' cause of action for declaratory judgment is hereby rendered moot, except with regard to Carl Gilgore's First Amendment claim, which is not being objected to by Defendants.

- Defendants' Motion to Dismiss Plaintiffs' third, fourth, fifth, sixth, seventh and eighth causes of action is GRANTED.

BY THE COURT:

/s/ C. Darnell Jones, II J.